

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Johnnie Frazier,	)	C/A No.: 1:22-4798-CMC-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Officer Poiteview,	)	ORDER
	)	
Defendant.	)	
	)	

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Johnnie Frazier (“Plaintiff”) filed this matter on September 26, 2023. On October 26, 2023, Defendant filed a motion to dismiss. [ECF No. 12]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file adequate responses by November 27, 2023. [ECF No. 13]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted. Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Plaintiff failed to respond to Defendant’s motion.

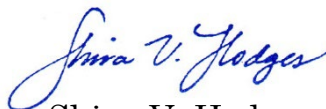
On December 5, 2023, the undersigned directed Plaintiff to advise the court whether he wished to continue with this case and to file a response to the motion by December 19, 2023. [ECF No. 17]. On December 19, 2023, Plaintiff filed a motion for extension claiming that he was not timely

receiving his legal mail. [ECF No. 19]. On December 19, 2023, the undersigned issued an order permitting Plaintiff until January 19, 2024 in which to file a response. Out of an abundance of caution, the undersigned also directed the Clerk to mail Plaintiff a copy of the motion to dismiss. [ECF No. 20].

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff failed to respond to Defendant's motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this case. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to the motion by February 6, 2024. Plaintiff is further advised that if he fails to respond, the undersigned will recommend this case be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 22, 2024  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge